

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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STEVEN A. SCHAFER, II,

Plaintiff,

v.

DECISION AND ORDER  
15-CV-207A

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

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The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On March 17, 2017, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 18), recommending that plaintiff's motion for judgment on the pleadings (Dkt. No. 7) be granted, and that this case be remanded to the Acting Commissioner for further proceedings. Magistrate Judge McCarthy further recommended that the Acting Commissioner's motion for judgment on the pleadings (Dkt. No. 14) be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, plaintiff's motion for judgment on the pleadings is granted, and this case is remanded to the Acting Commissioner for further proceedings. IT IS FURTHER ORDERED that the Acting Commissioner's motion for judgment on the pleadings is denied.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: April 5, 2017